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Attorney for Defendants
Larry Nolan, Garry Birch, Jason Sage Sally Wilson,
Richard Brockie, Timothy O'Hara, & Fremont Freewheelers Bicycle Club

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CORNEALIUS LOPES,

Plaintiff,

Vs.

FREMONT FREEWHEELERS, et al.,

Defendants.

Case No.: C 07-6213 PJH

DEFENDANT SALLY WILSON,
RICHARD BROCKIE, TIMOTHY
O'HARA, AND FREMONT
FREEWHEELERS BICYCLE CLUB'S
MOTION TO DISMISS PURSUANT TO
RULE 12(b)(5) AND (6)

Date: July 9, 2008

Time: 9:00am

Dept: Courtroom 3, 17th Floor

Judge: Hon. Phyllis J. Hamilton

TO ALL PARTIES AND TO THEIR ATTORNEY(S) OF RECORD:

PLEASE TAKE NOTICE THAT on July 9, 2008 at 9:00 a.m. before Judge
Phyllis J. Hamilton, located at Courtroom 3, 17th floor at 450 Golden Gate Avenue, San
Francisco, CA 94102, or as soon thereafter as may be heard, Defendants Sally Wilson,
Richard Brockie, Timothy O'Hara, & Fremont Freewheelers Bicycle Club will move this

1 Court to dismiss this action against him under Federal Rules of Civil Procedure, Rule
2 12(b)(5) and (6) on the following grounds:

- 3 1) Defendants move to dismiss the complaint since they were not properly
4 served and the time for service of process has expired;
5 2) Defendants move to dismiss the complaint since it is barred by the statutes of
6 limitation;
7 3) Defendants move to dismiss this action because the complaint fails to state a
8 claim upon which relief may be granted.
9 4) Defendant Fremont Freewheelers Bicycle Club moves to dismiss this action
10 on the grounds that res judicata bars this complaint;
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13 This motion is based on this notice of motion, the memorandum of points and
14 authorities accompanying this motion, the pleadings in this action, the request for judicial
15 notice previously filed by Defendants Jason Sage and Garry Birch (Document 44 filed on
16 5/20/08) and such other and further evidence as may be produced at the time of the
17 hearing.
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20 Dated: June 2, 2008

By: /s/ Mark P. Meuser

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24 Attorney for Defendants
25 Larry Nolan, Garry Birch, Jason Sage, Sally
26 Wilson, Richard Brockie, Timothy O'Hara, &
27 Fremont Freewheelers Bicycle Club
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